CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

MEMORANDUM

TO: **John Robertus**

FROM: **Paul J. Richter, WRCE**
SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

DATE: **May 6, 2003**

SUBJECT: **U.S. NAVY, NAVAL BASE CORONADO (NBC)**
RESPONSE TO COMMENTS REGARDING TENTATIVE ORDER NO. R9-2003-0008
ITEM NO. 10

The Regional Board received two comment letters from the U.S. Navy dated March 26, 2003 and April 24, 2003, and a comment letter from the Environmental Health Organization dated April 25, 2003. The identification of the comments in this memorandum attempted to follow the format in the comment letters. Copies or paraphrases of the concerns listed in each of the letters and staff's responses are provided below. The original letters should be reviewed to be sure the reader understands the comments and to ensure that the copied or summarized comments are accurate.

Letter from the U.S. Navy dated March 26, 2003

Toxicity Issues

Comment 1: Tentative Order No. R9-2003-0008, Page 8, Section B.4.a: The Navy reiterates its concerns with the disparity in, and inconsistent application of storm water toxicity standards among NPDES permitees as set out in its prior comments to the Naval Base Point Loma NPDES permit CA0109363. The Navy believes one standard should apply to all permitees because it is the toxicity of runoff that is of concern, and not the source of the runoff or runoff constituents that cause toxicity. The tentative Order should apply a 70% survival rate and not a 90% survival rate.

Response 1: The toxicity specification in the tentative Order is consistent with the toxicity specifications for other large facilities such as the commercial shipyards and the other Naval Complexes. A change to the Discharge Specifications for industrial storm water toxicity is not recommended. The shipyards or Naval installations have a significantly greater area and volume of discharge than the boatyards. The toxicity specification for the boatyards is 70% survival rate without an associated

time period. The 90% survival rate as a toxicity specification in the tentative Order was originally derived from the Enclosed Bays and Estuaries Policy and was applied to the industrial storm water discharges at commercial shipyard. The tentative Order includes a toxicity specification that allows the Navy four years to develop an alternative toxicity specification.

High Risk Diversion Issues

Comment 2: Tentative Order No. R9-2003-0008, Page 3, Paragraph 11: This paragraph requires the first ¼ inch of storm water runoff from high-risk areas to be terminated. The City of San Diego Metropolitan Waste Water Department has informed us that after September 30, 2004 only the first ¼ inch of each rain event will be allowed to be discharged into the sanitary sewer. This ¼ inch must be held until 24 hours after the rain event has ended. Infrastructure will need to be built to meet this capture and hold requirement. The Navy uses a projected three-year budget system and as such requests the high-risk ¼ inch termination be changed from two-years to three-years after the permit adoption. This will allow sufficient time to budget funds for the project.

Response 2: A change is not recommended. The two-year requirement for termination of runoff from the high-risk areas is consistent with the previously adopted Naval Base Orders. The Navy should document and explain why the NBC Complex should have three-years rather than two-years to comply with this requirement. The Regional Board may discuss a change to the termination date. If a change to the date is considered, the Regional Board should also consider interim requirements for the development of specific best management practices (BMPs) at the high-risk areas to abate any potential pollutants in the industrial storm water discharges and the reporting of such measures.

Other Tentative Order R9-2003-0008 Comments

TENTATIVE NPDES PERMIT

Comment 3: Page 2, Item 3**:** NAB is listed as having areas used for ship repair and maintenance activities. No ships are ported at NAB. Boats that can be lifted from the water are used at the installation. Accordingly, the 70% toxicity standard applicable to the boatyards should be applied because the NAB facility is more characteristic of a boatyard than shipyard.

Response 3: A change to the Discharge Specifications for industrial storm water toxicity at the NAB is not recommended. The NAB is a facility with approximately 1,006 acres and with significant industrial facilities. The boatyards are typically one, or two,

or several acres. As noted in the *Fact Sheet* for the tentative Order (p. 36, *Table 12. NAB, Industrial Storm Water Discharge Analysis, 2000/2001 and 2001/2002*) some of the industrial storm water discharges from the activities at the NAB can contain significant concentrations of copper and zinc. The Fact Sheet, in Table 12 also identified the location and type of industries in each catchment basin for the respective industrial storm water outfall.

Comment 4: Attachment D, Page 3, Item 4.f.: There is a typographic error and a NAVSTA reference was left in the current text.

Response 4: Typographic error will be corrected.

MONITORING AND REPORTING PROGRAM

Comment 5: Page M-5, 3. Engine Cooling/Sprinkler Water: Request that the semi-annual discharge log requirement be changed to an annual discharge log requirement. This will assist the Navy in better utilizing its manpower resources and still should meet the SD RWQCB staff data requirement.

Response 5: The semi-annual monitoring requirements for Engine Cooling/Sprinkler Water should remain. The total non-contact cooling water discharge from the Engine Cooling/Sprinkler Water is approximately 227,000 gallons per week and the monitoring frequency is appropriate for the volume of discharge and to assess the potential impacts.

Comment 6: Page M-8 and M-9, items 4 and 5. Evaluation Monitoring of the Aqua Shield, AquaSwirl storm water treatment systems at NAS North Island, Joliet Pier: CNRSW believes requiring 60 samples with 13 analytes per sample and performance graphs and tables for the storm water treatment units is beyond the scope of an NPDES Permit. California Water Code (CWC) §13360(a) states,

No waste discharge requirement or other order of a regional board or the state board or decree of a court issued under this division shall specify the design, location, type of construction, or particular manner in which compliance may be had with that requirement, order, or decree, and the person so ordered shall be permitted to comply with the order in any lawful manner. However, the restrictions of this section shall not apply to waste discharge requirement or decree with respect to any of the following: . . .

This NPDES Permit requirement should be limited to the discharge of these treatment units meeting discharge requirements and not their performance efficiency.

Response 6: The tentative Order does not . . . *specify the design, location, type of construction, or particular manner in which compliance may be had* . . . The tentative Order does require an evaluation of a treatment system designed to abate industrial storm water discharges. An evaluation of the effectiveness of a treatment system is consistent with CWC §13267. An evaluation of the effectiveness and operation of the storm water treatment system is a fundamental requirement in an NPDES permit. The Regional Board must know the quality of the discharges and must know if the processes used to treat the discharges are effective. The Aqua Shield, AquaSwirl system is identified on page four of the Fact Sheet.

FACT SHEET

Comment 7: Page 2, Third full paragraph, last sentence: The last sentence of this paragraph states that boats can be placed upon piers for repairs. Boats are not placed on piers for repairs at the Naval Base Coronado (NBC) Complex. Request the sentence be re-phrased to incorporate this statement.

Response 7: A change to the Fact Sheet is not recommended. In context, the sentence states the following: *Boats, ship sections, or parts can be placed on the piers or adjacent lands for repairs.* As a general statement for all of the NBC installations, the Navy or its contractors have the ability to work on boats, ship sections or parts on the piers.

Comment 8: Page 4, Fourth full paragraph: Recommend changing the fourth sentence to, "Berth side ship repair and maintenance (that is maintenance while the vessel is docked at the pier) may include ***topside*** abrasive blasting, hydro-blasting, metal grinding, painting, ***on board (inside ship)*** tank cleaning, removal of bilge and ballast water, sheet metal work, electrical work, mechanical repair, engine repair, hull repair and sewage disposal, ***ship free board paint and hull anti-fouling paint maintenance. ~~removal of anti-fouling paint,~~***." The reason for this recommended change is during berth side ship repair and maintenance, only topside, hull and free board areas of the ship are potential point sources (not conducted internal to the ship). All of the other operations described above are conducted internal to the ship hull.

Response 8: A change to the Fact Sheet is not recommended. Whether the maintenance is topside, inside the ship, hull free board, or internal or external to the ship, the maintenance activities are potential sources of pollutants. The internal maintenance activities may generate wastes that need to be transported from the ship and the transporting of the wastes to land is a potential source of pollutants. The support activities for internal maintenance may be located on the piers or at the topside of the ship.

Comment 9: Page 5, Third full paragraph: There is a typographic error; replace IWPT with IWTP.

Response 9: Typographic error will be corrected.

Comment 10 and 11: Page 5, Fifth full paragraph: Request you add the word "some" to the sentence, "There are some high concentrations of copper and zinc in the industrial storm water discharges from the NAS North Island." The sentence currently infers that all industrial storm water discharges from NAS North Island are high.

Page 6, Third full paragraph: Request you add the word "some" to the sentence, "There are some high concentrations of copper and zinc in the industrial storm water discharges from the NAB." The sentence currently infers that all industrial storm water discharges from NAB are high.

Response 10 and 11: A change to the Fact Sheet to clarify that *some of* the industrial storm water discharges had high concentration will be made.

Comment 12: Page 6, Fourth full paragraph: This section states that NAB has steam condensate, engine cooling/sprinkler system, and pier boom cleaning discharges. Pages 11, 17, and 25 correctly state that NAB does not have these discharges. Please change these items on Page six to match the discussion on pages 11, 17, and 25.

Response 12: A change to the Fact Sheet will be made as noted.

Comment 13: Page 7, First paragraph: Camp Surf is South/Southwest of NRRF. The current text has it North of NRRF.

Response 13: A change to the Fact Sheet will be made as noted.

Comment 14: Page 12: Table 1. lists Steam Condensate 1-2 Tank analytical results. CNRSW re-sampled the condensate tank on March 14, 2003 with copper results of 0.09 mg/L and zinc results of 0.02 mg/L. This lab data was e-mailed to SD RWQCB staff on March 21, 2003. Additionally, this steam condensate tank collects condensate from the condensate return lines of the steam system. If the captured condensate meets steam plant limits it is re-introduced into the steam plant. If it is outside of steam plant limits it is discharged to the sanitary sewer system and not

discharged as a point source. The original analysis was submitted as an additional reference source of steam condensate due to the lack of actual steam condensate discharges producing adequate volume to sample.

Please also note that additional latitude and longitude data was submitted to SD RWQCB staff via e-mail on March 18, 2003 for two steam condensate discharge locations. The original submittal for these two locations only listed degrees and minutes for the location due to GPS interference from a nearby ship at the time of positioning. After the ship got underway, this location was rechecked and the degrees, minutes, and seconds for the two locations was obtained and forwarded.

Response 14: The Fact sheet will be changed to note that the steam condensate from Tank 1-2 is discharged to the sanitary sewer system and is not a discharge to waters of the state. The additional monitoring data will be noted in the Fact Sheet. The Fact Sheet will be changed to include the latitude and longitude coordinates as reported by e-mail on March 21, 2003.

Comment 15: Page 40: Request a copy of the Threat To Water Quality rating worksheet that was used for developing the NBC rating. Also, believe there is a typographic error listing Naval Base San Diego with a point score rating of 515 instead of Naval Base Coronado Complex.

Response 15: On April 22, 2003, a copy of the NPDES rating work sheet was mailed to Rob Chichester, Director of Water Programs for NBC. The typographic error in the Fact Sheet will be changed.

Letter from the U.S. Navy dated April 24, 2003

Comment 16: Tentative Order No. R9-2003-0008, Page 1: The Navy no longer uses high-pressure wash water to remove marine growth from pier booms at NBC. Portable booms are brought on shore, allowed to dry, the marine growth is dry scraped from the booms, and disposed of as solid waste. Permanent booms are scraped in place with the removed growth left in the bay as it falls. Naval Amphibious Base San Diego also uses the same boom cleaning method.

Response 16: The references to pier boom cleaning in the tentative Order, tentative Monitoring and Reporting Program, and Fact Sheet will be modified as necessary to delete requirements or references to the pier boom cleaning practices as originally reported by the U.S. Navy.

Letter from the Environmental Health Organization dated April 25, 2003

I. GENERAL COMMENTS

Comment I.A: Order does not consider requirements of Total Maximum Daily Load requirements and fails to set protection based limits. This area of the Bay is already listed as impaired waters under 303(d) for being heavily impacted by copper and is currently under Total Maximum Daily Load (TMDL) program to reduce the inputs of copper. The tentative Order does not mention TMDLs or consider such limits. This Order fails to set any protection-based limits. The EPA Multi-Sector permit benchmarks should not be used for copper or zinc. In examination of the EPA benchmark (Federal Register/Vol. 65, No 210/Monday October 30, 2000, p. 64767) it is noted that the selection of the benchmark has nothing to do with measured impacts on toxicity or water quality. The source for the benchmark limit for copper is *minimum level based upon the highest method detection limit times a factor of 3.18*. This is not an effects-based or protection-based limit.

Response I.A: The only 303(d) listings for the NBC area is the *North Island Aircraft Platform*, which is a listing as a *Constituent\Water Bodies of Potential Concern*. The 303(d) listing is identified on page 44 of the Fact Sheet. The *North Island Aircraft Platform* is located approximately 500 yards off shore from the northern most tip of Coronado. The 303(d) impairment listing close to the NBC is the *Tidelands Park* listing for recreational impairment due to high bacteria. The Tidelands Park is located beneath the Coronado Bridge at the western shore of San Diego Bay and is not adjacent to the NBC. The Tideland Park listing was not included in the Fact Sheet.

A TMDL has not been promulgated for the San Diego Bay. The tentative Order is not a TMDL planning document; it is an NPDES permit. An analysis of the waste load allocation (WLA), load allocation (LA), background loading (BL), and margin of safety (MOS) are not appropriate elements in the development and adoption of this NPDES permit. If a TMDL is developed, which includes WLA for the NBC, then the permit may be reopened to include the WLA.

The EPA Multi-Sector permit (Federal Register/Vol. 65, No 210/Monday October 30, 2000, pp. 64766-64767) also states . . . *The "benchmarks" are the pollutant concentration above which EPA determined represent a level of concern. The level of concern is a concentration at which a storm water discharge could potentially impair, or contribute to impairing, water quality or affect human health from the ingestion of water or fish. The benchmarks are also viewed by EPA as a level that, if below, a facility presents little potential for water quality concern. As such the benchmarks also provide an appropriate level to determine whether a facility's storm water pollution prevention measures are successfully implemented. . . .* The EPA benchmark values were established according to EPA

regulations and requirements and, as such, are a reasonable and legal source for the requirements in the tentative Order.

Comment I.B: Order fails to set effluent limitations consistent with the requirements of the California Toxics Rule (CTR). A reasonable potential analysis (RPA) should have been performed. According to the CTR the maximum concentration and continuos concentration for copper in San Diego Bay may not exceed 4.8 µg/L and 3.1 µg/L respectively; the corresponding limits for zinc are 90 µg/L and 81 µg/L respectively. Paragraph B.2, page seven, only requires the Navy to perform a series of tasks if industrial storm water discharges contain copper concentrations greater than 63.6 µg/L and zinc concentrations greater than 117 µg/L. These limits are significantly higher than the limits in the CTR. The State Implementation Policy should apply to the discharges of industrial storm water. Numerical effluent limits should be set for the industrial storm water discharges. The Order does not state that the numerical effluent limits are infeasible. Other permits exist throughout the nation that set numerical effluent limitations for copper in storm water discharges. Washington State, New Jersey, Louisiana, and South Carolina have NPDES permits with numerical effluent limitations for industrial storm water discharges.

Response I.B: On March 2, 2000, the State Board, in *Resolution No. 2000-15,* adopted a *Policy for Implementation of Toxic Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (Implementation Policy). The Policy implements the criteria for the 126 priority pollutants in the CTR. The State Board's Policy became effective on April 28, 2000, as applied to the *National Toxics Rule* and to the CTR. According to the Implementation Policy, p.1 footnote 1. . . . *This Policy does not apply to regulation of storm water discharges*. The Implementation Policy was not used for establishing effluent limitations for the discharges of industrial storm water.

The USEPA has adopted a *general industrial storm water permit* for various industrial facilities under its jurisdiction. The USEPA permit, the *Final Reissuance of National Pollutant Discharge Elimination System (NPDES) Storm Water, Multi-Sector General Permit for Industrial Activities, Federal Register, Monday, October 30, 2000,* (Multi-Sector Permit) can be used to evaluate the significance of the chemical concentrations in NBC's storm water discharge to San Diego Bay.

The Multi-Sector Permit, *Sector R*, includes requirements for *Ship and Boat Building or Repair Yards*. According to the Multi-Sector Permit (p. 64766-69), when the industrial storm water discharge has concentrations greater than the *USEPA Benchmark Values* (p. 64767, Table 3), the industrial facility is required to increase monitoring frequencies. Additionally, the Multi-Sector Permit states that the facility operators should review and modify their storm water pollution prevention plans (SWPPP) and best management practices (BMP) at their facility

to try to improve the quality of the storm water discharge when discharge concentrations are greater than the *USEPA Benchmark Values*. The USEPA Benchmark Value for copper concentrations is 63.6 µg/L. The USEPA Benchmark Value for zinc is 117 µg/L.

While the *USEPA Benchmark Values* are not an enforceable numeric limit, they are used to indicate concentrations of concern and to alert the regulated discharger to take actions to lower the concentrations in its discharge.

The tentative Order requires the Navy to evaluate its Storm Water Pollution Prevention Plan (SWPPP) for the industrial activity that has a discharge concentration greater than 63.6 µg/L for copper or 117 µg/L for zinc. The tentative Order also requires the Navy to sample and analyze the next two storms after modifying its SWPPP, and to document the modifications to the SWPPP.

Comment I.C: Order fails to comply with State anti-degradation policies. Compliance with anti-degradation policy can not be claimed since the limits in the Order are not established based on effects to existing beneficial uses.

Response I.C: The tentative Order does not allow an increase in pollutant loading. Compliance with the tentative Order should improve water quality. Therefore, an anti-degradation analysis is not required.

Comment I.D: Navy permits should mirror or meet the same standard as comparable commercial shipyard facilities on the San Diego Bay. There is no justification to apply a lower standard to the Navy as compared to the commercial shipyards with comparable facilities. For example the Order exempts the Navy effluent for oil and grease, settable solids, turbidity, pH, and temperature. Disparities such as this are unacceptable and set the precedent that the Navy can get away with more than commercial shipyards.

Response I.D: The Navy does not have the same discharges as the shipyard. For the NBC, the point source discharges are Steam Condesate; Utility Vault & Manhole Dewatering; Engine Cooling/Sprinkler Water; Miscellaneous Discharges Associated with Facility Maintenance and Pier Cleaning. From the information contained in the report of waste discharge, discharge specifications as listed by EHC for each of the listed point source discharges were not considered necessary.

The tentative Order does contain prohibitions (p. 6, Prohibitions A.) and specifications that apply to all of the discharges. A temperature limitation is included for the thermal waste discharges (p. 6, Prohibitions A.2.). If the monitoring reports provide information that the discharges contain pollutants of concern the permit may be amended, if warranted, or additional specifications can be developed from the monitoring data when the permit is renewed in five years.

II. SPECIFIC COMMENTS

Comment II.A: Order is ambiguous on what the Navy's discharge requirements are and what are the consequences of noncompliance. Paragraph B.2, page seven, of the Order is ambiguous as to the following:

(1) Whether the Navy can discharge *any* level of copper as long as they perform the required tasks when their discharge exceeds the concentration thresholds mentioned above: OR
(2) Whether the Navy must perform the tasks if they exceed the thresholds, while also facing punishment for any discharge that violates the concentration requirements of CTR.

Interpretation (1) implies that the only result of noncompliance is the performance of the enumerated tasks. Interpretation (2) implies that in addition to compliance with State and Federal law, the Navy must perform certain tasks if their discharges exceed the threshold limits set.

Since the Order states that the Navy must comply with federal and state law, the Order must be revised to state that, in addition to complying with discharge requirements for copper and zinc under CTR and anti-degradation policies, the Navy must also perform certain enumerated tasks if their discharges exceed the state thresholds. The Order must be revised to include numeric limits that ensure compliance with the State CTR.

Response II.A: There are no numerical effluent limitations for copper concentrations in the industrial storm water discharges. *Discharge Specification B.2.* (p. 7) is for the discharge of industrial storm water. The Navy must modify its SWPPP and resample the industrial storm water discharges when copper concentrations are greater than 63.6 µg/L or zinc concentrations are greater than 117 µg/L. *Discharge Specification B.4* has toxicity specifications for the industrial storm water discharges. Any non-compliance will be enforced according to the Regional Board's enforcement policy. The Implementation Policy and CTR are not used to regulate the discharges of storm water.

Comment II.B: Storm water runoff discharge limitations are not justified and will not be effective to protect beneficial uses. See Section I.A above.

Response II.B: See response to Section I.A above.

Comment II.C: Order allows for toxic discharges without penalty or correction. The permit should make clear that the Navy cannot just conduct a number of activities in order to achieve compliance in the event of an exceedence. The subsequent actions must result in compliance with the Order. This is not clear in the tentative Order as written.

Response II.C: The tentative Order requires the Navy to comply with toxicity specification effective 4-years after the adoption of the Order. The iterative process to modify the BMP and SWPPP to reduce the pollutant concentrations in the industrial storm water discharges is consistent with State and Federal permits and policies. The iterative process to modify the BMP and SWPPP to lower the pollutant concentrations is the corrective action. The monitoring program will allow an evaluation of this iterative process. Once sufficient characterization of the discharge is understood, the Regional Board may request addition BMP, effluent limitations, or other enforcement actions.

Comment II.D: Order fails to require receiving water monitoring. EHC reiterates our long-standing concern with receiving water limits that are not numeric/specific and for which no monitoring is required. The Board needs to make a finding that the receiving waters are protected. This finding is impossible to make if no monitoring of the receiving water is being done. This is a chronic and serious omission of a large majority of the permits that the Regional Board has issued for our largest and most significant polluters of San Diego Bay. The Board must act to address this omission.

Response II.D: The tentative Order does require some monitoring of the receiving waters for priority pollutants for a reasonable potential analysis for the point source discharges, that is, Steam Condensate; Engine Cooling/Sprinkler Water; Pier Cleaning; and Miscellaneous discharges, except for discharges regulated by Order No. R9-2002-0020, NPDES No. CAG6790001 (i.e., Hydrostatic Test Water and Potable Water discharges) or other applicable NPDES permits (pp. M-14 and M-15 of MRP). After analyzing the priority pollutant data, the Regional Board may request additional monitoring.

The industrial storm water discharges are of concern. Additional monitoring of the industrial storm water discharges is required when the discharge has concentrations of copper or zinc greater than 63.6 µg/L and 117 µg/L respectively and modifications to the SWPPP and BMPs are required. Toxicity monitoring is required in the tentative Order and the toxicity specification is an enforceable requirement four-years after the adoption of the tentative Order. The monitoring of the discharge will provide an indication of the potential impact to the receiving waters. The quality of the discharge will indicate the potential impacts to the receiving waters. If the industrial storm water discharges are monitored and comply with the toxicity requirements then protection of the receiving water is provided.

Comment II.E: Order should include progress reporting on diversion progress. Board needs to monitor progress for Navy compliance with storm water runoff from all high-risk areas so Navy can comply with the two-year deadline. The two-year time period for diversion is very generous. The Naval Station has been, or should have been, on notice since this debate took place over the Shipyard permit. If the Navy was truly to meet their obligations to protect San Diego Bay, they have already had five years to put diversion and other Best Management Practices (BMPs) in place. The Regional Board should be stern with the Navy on this score and ensure that quarterly reports are filed to document the regular progress for the Navy so that we don't arrive at the end of the two-year period with the Navy failing to meet their permit condition.

Response II.E: See *Comment 2* from the U.S. Navy and the *Response* to *Comment 2*. If the tentative Order is adopted with a two-year compliance requirement, a requirement for interim progress reports is not necessary. The suggested interim reports would not produce useful data. The compliance date is an enforceable milestone.

Comment II.F: Order improperly basis de-facto limits on EPA benchmark copper limits for freshwater, not salt water, and toxicity testing should be required. Copper is generally less toxic to fresh water organisms than marine organisms. This fact is part of the complexity of copper and how it behaves in the environment. Copper changes depending on the salinity and pH of the medium and it can change forms, which can cause different effects. Since all of the other sources for the benchmark limits are fresh water limits, we are concerned that the EPA has based this opinion on fresh water effects and not marine effects. It is the responsibility of the Regional Board to assess if 63.6 µg/L is an appropriate discharge level into marine water. This limit should be thrown out and toxicity testing, such as we require the shipyards around the Bay should be required.

Response II.F: The iterative process to modify the BMP and SWPPP to reduce the pollutant concentrations in the industrial storm water discharges is consistent with State and Federal permits and policies. The tentative Order requires the Navy to perform iterative SWPPP and BMPs modifications to cause the industrial storm water discharge to comply with the USEPA Benchmark Values for copper. Though the USEPA notes that the Benchmark Values are derived from freshwater criteria, the USEPA Benchmark Values were published and reviewed according to the Federal Code of Regulations and apply to discharges to freshwater and saltwater. Toxicity specifications established in the tentative Order become effective and enforceable four-years after the adoption of the tentative Order. During the interim period the Navy will conduct toxicity monitoring as a performance goal and will conduct a study and shall recommend a scientifically valid survival rate for the industrial storm water toxicity at the NAS North Island and NAB facilities. See response to EHC Comment I.A.